

MICHAEL STEPANIAN  
Attorney at Law (CSBN 037712)  
819 Eddy Street  
San Francisco, CA 94109  
Telephone: (415) 771-6174  
Facsimile: (415) 474-3748  
[mstepanian@sbcglobal.net](mailto:mstepanian@sbcglobal.net)

Attorney for Defendant  
JOHN GIMBEL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ooo

UNITED STATES OF AMERICA,  
Plaintiff,

CR. 09-00989-MHP

vs.

JOHN GIMBEL,  
Defendant.

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE DATE FOR  
HEARING ON DEFENDANT S  
MOTION TO DISMISS**

Defendant JOHN GIMBEL, by and through his counsel of record Michael  
Stepanian, and Assistant U.S. Attorney Kevin Barry hereby stipulate and agree that the  
hearing on defendant s Motion To Dismiss shall be continued from July 15, 2010 to July  
29, 2010 at 10 a.m.

Defense counsel requests this continuance for the purpose of further briefing on  
the matter. The parties agree that, taking into account the public interest in prompt  
disposition of criminal cases, good cause exists for this extension. Defendant also agrees  
to exclude for this period of time any time limits applicable under 18 U.S.C. Section  
3161. The parties represent that the continuance is the reasonable time necessary for  
continuity of defense counsel and effective preparation of counsel, taking into account

1 the exercise of due diligence. 18 U.S.C. Section 3161(h)(8)(B)(iv). The parties also  
2 agree that the ends of justice served by granting such a continuance outweigh the best  
3 interests of the public and the defendant in a speedy trial. 18 U.S.C. Section  
4 3161(h)(8)(A).

5  
6 Date: July 13, 2010

/s/ Michael Stepanian  
MICHAEL STEPANIAN  
Counsel for Defendant  
John Gimbel

7  
8  
9 Date: July 13, 2010

/s/ Kevin Barry  
KEVIN BARRY  
Assistant United States Attorney

10  
11 I have no objection to this continuance.

(Signature attached to this Stipulation)

12 Date: July 14, 2010

JOHN GIMBLE  
Defendant

13  
14 For the reasons stated above, the Court hereby continues the hearing from July 15,  
15 2010 to July 29, 2010. The Court further finds that an exclusion of time from July 15,  
16 2010 through July 29, 2010 is warranted and that the ends of justice served by the  
17 continuance outweigh the best interests of the public and the defendant in a speedy trial.  
18 See 18 U.S.C. Section 3161(h)(8)(A). The failure to grant the requested continuance  
19 would deny the defendant continuity of counsel and would deny defense counsel the  
20 reasonable time necessary for effective preparation, taking into account the exercise of  
21 due diligence, and would result in a miscarriage of justice. 18 U.S.C. Section  
22 3161(h)(8)(B)(iv).

23 SO ORDERED.

24  
25 Date: July 15, 2010



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/s/ Michael Stepanian  
MICHAEL STEPANIAN  
Counsel for Defendant  
John Gimbel

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KEVIN BARRY  
Assistant United States Attorney

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JOHN GIMBLE  
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21 due diligence, and would result in a miscarriage of justice. 18 U.S.C. Section  
22 3161(h)(8)(B)(iv).  
23 SO ORDERED.

24  
25 Date: July \_\_\_\_, 2010

MARILYN H. PATEL  
U.S. District Court Judge